

Congress of the United States
Washington, DC 20515

January 23, 2019

The Honorable David Bernhardt
Acting Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Acting Secretary Bernhardt:

I am writing to request an extension of the public comment period regarding proposed revisions to the Department of the Interior's (DOI) Freedom of Information Act (FOIA) regulations.¹ I also urge DOI to schedule public hearings around the proposed revisions.

On December 28, 2018, the U.S. Department of the Interior (DOI) proposed significant revisions to its FOIA regulations.² The revisions would undermine government transparency and impose more burdens on Americans who are seeking information from federal agencies. They run counter to the spirit, if not the letter of FOIA.

When faced with a decision about how to address a backlog of over 3000 FOIA requests,³ greater transparency, not less, is the path of good governance. The proposed changes will reduce the amount of information released under FOIA rather than making the necessary changes, including staff changes, to ensure that the demand for FOIA requests is met in accordance with the law. In addition to the impediments to full disclosure outlined in the regulation, the very launch of the regulation appears to have been intended to further impede full disclosure.

The proposal was published on a Friday during a government shutdown and during the holiday season, a time when many Americans were taking time to focus on their families. The proposal provides only 30 days for the public to comment. For a rulemaking with such significant implications, when time has been lost to the holiday season, and when the government shutdown inhibits the public's ability to participate, Americans need 120 days after the end of the shutdown to review and provide comments. I also urge DOI to reach out directly to the American public by holding hearings about the proposal.

Americans deserve an opportunity to be fully engaged in DOI's proposed rulemaking in an informed and meaningful manner. They are being denied that opportunity.


I look forward to your response.

¹ 83 FED. REG. 67175

² *Id*

³ DEPARTMENT OF JUSTICE, FY 2018 FOIA QUARTERLY REPORT 4 (2018).
https://www.doi.gov/sites/doi.gov/files/uploads/fy18-q4_doj_report.pdf

Sincerely,


Raúl M. Grijalva
Chairman
Committee on Natural Resources